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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

030259U2

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on _____

Signature _____

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Application Number

10/804,301

Filed

March 18, 2004

First Named Inventor

Jain et al.

Art Unit

2617

Examiner

Bhattacharya, Sam

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.
Registration number 48,063

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

Signature

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Telephone number

January 19, 2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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i) Independent Claim 1 and Claims dependent from Claim 1:

Claim 1 recites, among other things, “a logic unit configured to execute program logic to determine whether a parameter is received from the mobile station” (emphasis added). This is supported, for example, by paragraph [0009] at page 2 and paragraph [0069] at page 11 of the specification. In rejecting Claim 1, the Patent Office has analogized the reference number 83 in FIG. 11 of Aisenberg (U.S. Patent Application Publication No. 2004/0116155) to a “logic unit” (*Office Action* dated 10/19/2006, page 2, line 12). Applicants respectfully disagree, since the reference number 83 in FIG. 11 of Aisenberg refers to a mobile network (see, e.g., FIG. 11, and page 5, paragraph [0046] of Aisenberg), which *cannot* be analogized to a “logic unit”. Thus, Aisenberg fails to teach or suggest a “logic unit”, as recited in Claim 1.

Claim 1 recites, among other things, “wherein when the mobile station is a CDMA mobile station with a subscription in the GSM network, during registration of the mobile station the GGG acts as an authentication controller in the CDMA network but authenticates the mobile station using a GSM authentication mechanism” (emphasis added). Applicants respectfully submit this is not taught, disclosed, or suggested by Naim (U.S. Patent Application Publication No. 2006/0050680). The Patent Office has apparently misunderstood Claim 1 and Naim when alleging “when the mobile station is a CDMA mobile station 106 with a subscription in the GSM network, during registration of the mobile station a GGG 112 acts as an authentication controller” (emphasis added) (*Office Action* dated 10/19/2006, page 3, lines 9-11), since the reference number 106 in Naim’s Fig. 1 refers to a GSM mobile station, and the reference number 112 in Naim’s Fig. 1 refers to a GSM base station controller, which *cannot* be a GGG. Moreover, Naim’s hybrid MSC acts as “a ‘double agent’ passing information between the mobile terminal and entities in its core network” (page 2, paragraph [0012], lines 5-7). Thus, Naim’s hybrid MSC *cannot* be analogized to “the GGG act[ing] as an authentication controller” (emphasis added), as recited in Claim 1, since Naim’s hybrid MSC just passes information.

Therefore, independent Claim 1 is allowable. Claims 2-6 depend from Claim 1 and are thus allowable.

ii) Independent Claim 7 and Claims dependent from Claim 7:

Claim 7 was rejected based on the same rationales as applied to Claim 1 and is thus allowable. Claims 8-11 depend from Claim 7 and are thus allowable.

iii) Independent Claim 12 and Claims dependent from Claim 12:

Claim 12 was rejected based on the same rationales as applied to Claim 1 and is thus allowable. Claims 13-16 depend from Claim 12 and are thus allowable.

iv) Independent Claim 17 and Claim dependent from Claim 17:

Claim 17 was rejected based on the same rationales as applied to Claim 1 and is thus allowable. Claim 18 depends from Claim 17 and is thus allowable.